of one, could result in severe interference patterns due to the out-of-phase addition of energy from the multiple antennas. This signal cancellation could result in less than 80 percent city coverage. The only way this can be determined is by a reviewing of a complete engineering proposal concerning this novel antenna scheme.

It also should be noted that, even before any of the above-described "corrective" measures are employed by Fidelio, Fidelio's claimed 1.0 mV/m coverage is less than that provided by WNCN. Figure 3 of the Fidelio application graphically depicts this coverage loss. WNCN serves a land area of 6,553 square kilometers and a population of 14,061,456 persons. Fidelio serves an area of 6,203 square kilometers and a population of 13,977,428. Thus, the Fidelio proposal would result in the loss of 1.0 mV/m service to 350 square kilometers and 84,028 persons, if one accepts Fidelio's representation of service. For the reasons discussed above, however, the loss of service by the Fidelio proposal will be much greater, and Fidelio has failed to demonstrate its ability to comply with Section 73.315(a) of the Commission's Rules which requires 3.16 mV/m coverage of the entire city of license.

3. <u>The Fidelio Proposal Requires an Environmental Assessment</u>

Fidelio proposes to mount its antenna on the side of the Chrysler Building, a building considered a landmark of the New York skyline and considered an outstanding example of the Art Deco style by architecture

experts.[9] Completed in 1930, it was the world's tallest building until the opening of the Empire State Building in 1931. These distinctions led to the structure being placed on the National Register of Historic Places in 1976, where it remains today. It is also recognized as a

listed, or are eligible for listing, in the National Register of Historic Places." As noted above, the Chrysler Building has been listed in the National Register of Historic Places since 1976.

Fidelio then claims categorical exclusion under Section 1.1306(b) Note 3. As that note plainly states, however, that exclusion only applies to "The construction of an antenna tower or supporting structure in an established 'antenna farm': (i.e., an area in which similar antenna towers are clustered . . .)" Fidelio, however, is not proposing construction of a "tower or supporting structure." It is proposing to mount an FM antenna on the side of the Chrysler Building.[11] Moreover, by the Commission's own definition, the Chrysler Building cannot be considered an antenna farm.

Accordingly, under Section 1.1307(a)(4) of the Commission's Rules, an environmental assessment must be

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[11]Fidelio asserts that its proposed antenna will have no visual impact due to the presence of other antennas on the Chrysler Building. These other antennas, however, are mostly of the simple whip type (generally used for paging or other private radio services) having horizontal dimensions of a few inches or less; they are not visible at a distance. The horizontal dimension of the Fidelio antenna, however, is on the order of several feet. There are no radio or television broadcast antennas presently mounted on the Chrysler Building.

Moreover, the other antennas on the Chrysler Building tend to be clustered at the upper portion of the spire so they are not visible from the base of the building. Fidelio's location on the side of the building is visible from ground level. Fidelio's option of placing multiple antennas on all sides of the building merely aggravates this situation.

Figure 1

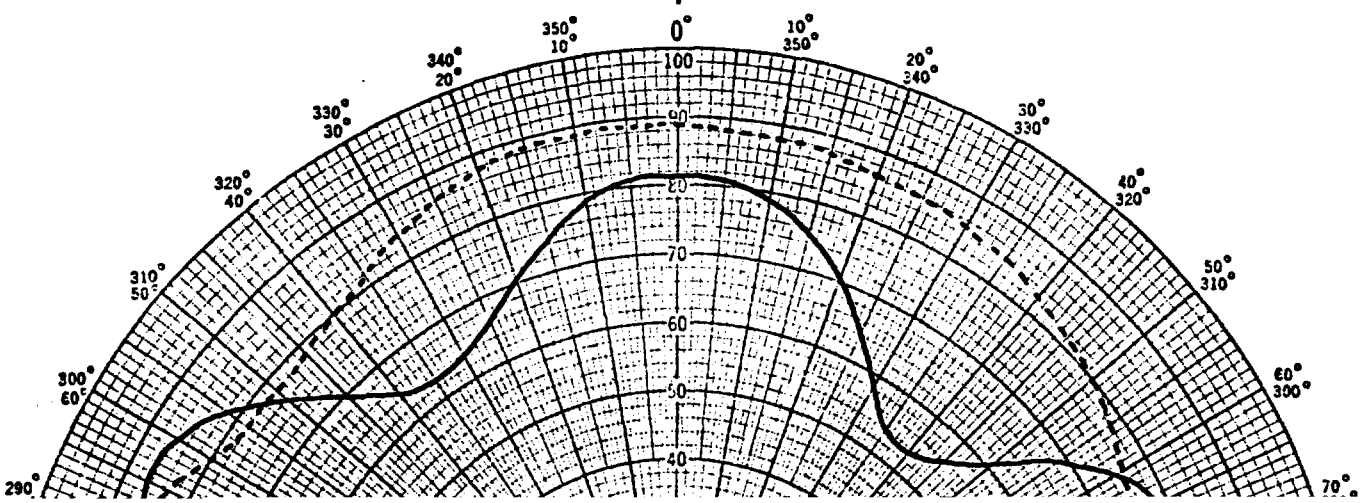
Shively Labs

PROJECT NAME Centerville

PROJECT NUMBER 11,248 DATE 12/4/86

ANTENNA TYPE 6813-3-SS

PATTERN TYPE AZIMUTH



TECHNICAL STATEMENT
REGARDING APPLICATION FOR CONSTRUCTION PERMIT
OF THE FIDELIO GROUP, INC.
FOR CHANNEL 282B
NEW YORK, NEW YORK

Affidavit

CITY OF WASHINGTON)
) ss:
DISTRICT OF COLUMBIA)

Steven J. Crowley, being first duly sworn, states that he is at du Treil, Lundin & Rackley, Inc., A Subsidiary of A.D. Ring, P.C., Consulting Engineers, with offices in Washington, D.C.; that he is a graduate electrical engineer; that he is registered as a professional engineer in the District of Columbia (No. 8561); that he has 11 years experience in communications engineering and that his qualifications as an expert in radio matters are a matter of record with the Federal Communications Commission.

The foregoing statements are true and correct to the best of my knowledge and belief.

Steven J. Crowley, P.E.

Subscribed and sworn to before me this 11th day of November, 1991.

Elizabeth Raymond
Notary Public, Washington, D.C.

My commission expires August 31, 1994.

EXHIBIT NO. 2

National Register Of Historic Places Inventory - Nomination Form For The Chrysler Building

Form No 10-300 Rev. [illegible]

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

INSTRUCTIONS IN *HOW TO COMPLETE NATIONAL REGISTER FORMS*
TYPE ALL ENTRIES -- COMPLETE APPLICABLE SECTIONS

1 NAME

HISTORIC
Chrysler Building

AND/OR COMMON

2 LOCATION

STREET & NUMBER
405 Lexington Avenue — NOT FOR PUBLICATION

CITY, TOWN
New York — VICINITY OF

CONGRESSIONAL DISTRICT
18th

STATE
New York

CODE

COUNTY
New York

CODE

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE	
_DISTRICT	_PUBLIC	X OCCUPIED	_AGRICULTURE	_MUSEUM
X BUILDING(S)	X PRIVATE	_UNOCCUPIED	X COMMERCIAL	_PARK
_STRUCTURE	_BOTH	_WORK IN PROGRESS	_EDUCATIONAL	_PRIVATE RESIDENCE
_SITE	**PUBLIC ACQUISITION**	**ACCESSIBLE**	_ENTERTAINMENT	_RELIGIOUS
_OBJECT	_IN PROCESS	X YES: RESTRICTED	_GOVERNMENT	_SCIENTIFIC
	_BEING CONSIDERED	_YES: UNRESTRICTED	_INDUSTRIAL	_TRANSPORTATION
		_NO	_MILITARY	_OTHER

4 OWNER OF PROPERTY

NAME Cooper Union for the Advancement of Science and Art

STREET & NUMBER
4th Avenue & E. 7th Street

CITY, TOWN
New York — VICINITY OF

STATE
New York 10003

DESCRIPTION

CONDITION		CHECK ONE	CHECK ONE
X EXCELLENT	DETERIORATED	X UNALTERED	X ORIGINAL SITE
GOOD	RUINS	ALTERED	MOVED DATE 1976
FAIR	UNEXPOSED		

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

A description of the building by the architect himself is complete:

"Mr. Walter P. Chrysler in comment on the reasons for the construction of the building which bears his name states, 'the Chrysler Building is dedicated to world commerce and industry.' The creation of this remarkable building required imagination and the origin of the idea lay in this broad conception. The development of the idea in tangible form has given New York City a most spectacular monument. Seen from many viewpoints for miles around by night or day, the Chrysler Building stands out among its fellows a towering and glittering shaft. Rising above the street higher than any other structure ever built, that alone creates interest and wonder. It is 1046 feet, 4-3/4 inches from the street level to the top of the pinnacle. The stories of the building number 77.

"The exterior is a design of contrast. Its surfaces are of enameled grey, white and black brick with trim of white Georgia marble and black Shastone granite. Coupled with these materials is an innovation in metal work. Practically all of the exposed metal window frames, copings, flashings, the finial and tower decorations are of 'Nirosta' steel, a newly developed rust resisting non-corrosive alloy. Aluminum is used for window sills and spandrels. Ornament in metal is developed from features of automobile construction. Gargoyles are reminiscent of ornamental

Form No. 10-300a
(Rev 10-74)

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DATE ENTERED

Chrysler Building

CONTINUATION SHEET ITEM NUMBER 7 PAGE 2

to approach the twenty-eight passenger cars, each battery of which serves a different group of floors. Two broad stairways lead from the main concourse to the basement, where there is a subway passage under Lexington Avenue to the subway and the Grand Central Station.

"The main story street frontages are divided into an extensive series of shops and in the basement, opening on the subway passage, there is more space for shops.

"The elevators, consisting of four groups, are so arranged that eight cars serve the first to the twelfth stories, eight more serve the twelfth to twenty-first stories and two groups of six each serve the twenty-fourth to forty-second stories, and forty-second to fifty-fifth stories. In addition, there are service elevators, one of which rises the entire height. There is a fire tower placed directly at the center of the building for its entire height, and two additional stairways grouped between the elevator batteries. The toilet rooms are worked into the lobby spaces between the elevators on those stories where the elevators do not stop and grouped with them in the upper stories. The main shaft of the tower has a net area of some 7,500 square feet and its outside dimensions are 107 feet 6 inches on the Lexington Avenue side and 88 feet 3 inches on the side streets.

"A typical plan of the divided floors has corridors leading from either side of the elevator lobbies, so that the distance is short from any of the offices to the elevators. All offices have good outside lighting and there is considerable variation in size of space available from small office areas to large undivided floors.

"The main story entrance is floored with Sienna Travertine and the wall surfaces are of red Morrocan marble with onyx panels behind the light reflectors. The indirect lighting from these vertical panels gives a general diffusion and excellent illumination of the pictorial design of the ceiling, which is a composition which depicts the vision, human energy and engineering ability which made possible the structure. The canvas, which is 100 by 76 feet, is one of the largest ever created. The symbolism of the design is naturally developed from primitive forces to the elementals of building construction and finally to the highly specialized modern methods. One band of the composition shows the development of modern transportation The artist, Mr. Edward Trumbull, has developed the theme with rich color, to which the highly decorative marble work of the interior walls is a suitable setting.

"In the upper stories of the building, the finishing of the corridors and offices is substantial but utilitarian. The main corridors are terrazzo floored, with rubber tile in secondary corridors. Division partitions throughout in offices are of glass and steel, with a grained walnut finish. The radiators are of copper and

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(Rev 10-74)

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Chrysler Building

CONTINUATION SHEET ITEM NUMBER 7 PAGE 3

"The Chrysler Building, New York City, was designed by William Van Alen and erected by Fred T. Ley & Company, Inc. The electrical contractors were Hatzel & Buehler, Inc. The murals and decorations in the main hall were executed by Edward Trumbull." [1]

1. Van Alen, William, Architecture and Building, Vol LXII, No. 8, August 1930, pp. 223-224

8 SIGNIFICANCE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW				
_PREHISTORIC	_ARCHEOLOGY-PREHISTORIC	_COMMUNITY PLANNING	_LANDSCAPE ARCHITECTURE	_RELIGION	
_1400-1499	_ARCHEOLOGY-HISTORIC	_CONSERVATION	_LAW	_SCIENCE	
_1500-1599	_AGRICULTURE	_ECONOMICS	_LITERATURE	X SCULPTURE	
_1600-1699	X ARCHITECTURE	_EDUCATION	_MILITARY	_SOCIAL/HUMANITARIAN	
_1700-1799	X ART	_ENGINEERING	_MUSIC	_THEATER	
_1800-1899	X COMMERCE	_EXPLORATION/SETTLEMENT	_PHILOSOPHY	_TRANSPORTATION	
XX 1900-	_COMMUNICATIONS	_INDUSTRY	_POLITICS/GOVERNMENT	_OTHER (SPECIFY)	
		_INVENTION			

SPECIFIC DATES 1928-1930 BUILDER/ARCHITECT William Van Alen (1882-1954)

STATEMENT OF SIGNIFICANCE

The Chrysler Building is a monument to America's "machine age"--an era when naive optimism believed the salvation of the world was the machine. Everything from skyscrapers to lamps were supposed to be machine made even if they were not. "Style Moderne," of which Art Deco is actually a subdivision has enjoyed a revival in the last few years and the Chrysler is probably one of the most glorious statements of this period in our architectural history.

The tallest building in the world (1048 feet) for a few months (before the Empire State Building was complete), the Chrysler was taken over by Walter Chrysler from earlier plans for a Reynolds skyscraper. The plans were modified (the tower) and Van Alen's final design was dramatic enough to prompt the contemporary critic Kenneth Murchinson to dub the architect the "Ziegfield of his profession."[1]

The critic goes on:

> [Chrysler Building] "bespeaks a rich and fertile talent and it represents our modern life, its changing conditions and forces, with more accuracy and clearness than almost anything else in the way of an office building that has lately burst upon the startled vision of the classicists and the columnists.
>
> The Chrysler Building has probably earned more publicity during its short but lurid career than even its own instigators hoped for. And as it is a commercial proposition, embodying the emblazonment of automotive progress, why should the architect have hesitated a moment in being the Ziegfeld of his profession and glorifying American mechanical genius and incidentally, Mr. Chrysler's output of cars and trucks and boats?
>
> The scheme of decoration of this building, inside and out, is based on *movement*. All the motives used in the enhancement of the pictorial side of the structure are in action. On the thirtieth story, the brickwork wheels revolve under a horizontal mudguard of patterned brick. Just above, the Chrysler radiator emblem raises its silvery head; above the emblems, on the thirty-first floor great eagles of shining metal stick their heads out and look down upon the ceaseless flow of city traffic.

[1] Murchison, Kenneth. The Chrysler Building. American Architect. pp. 24-28

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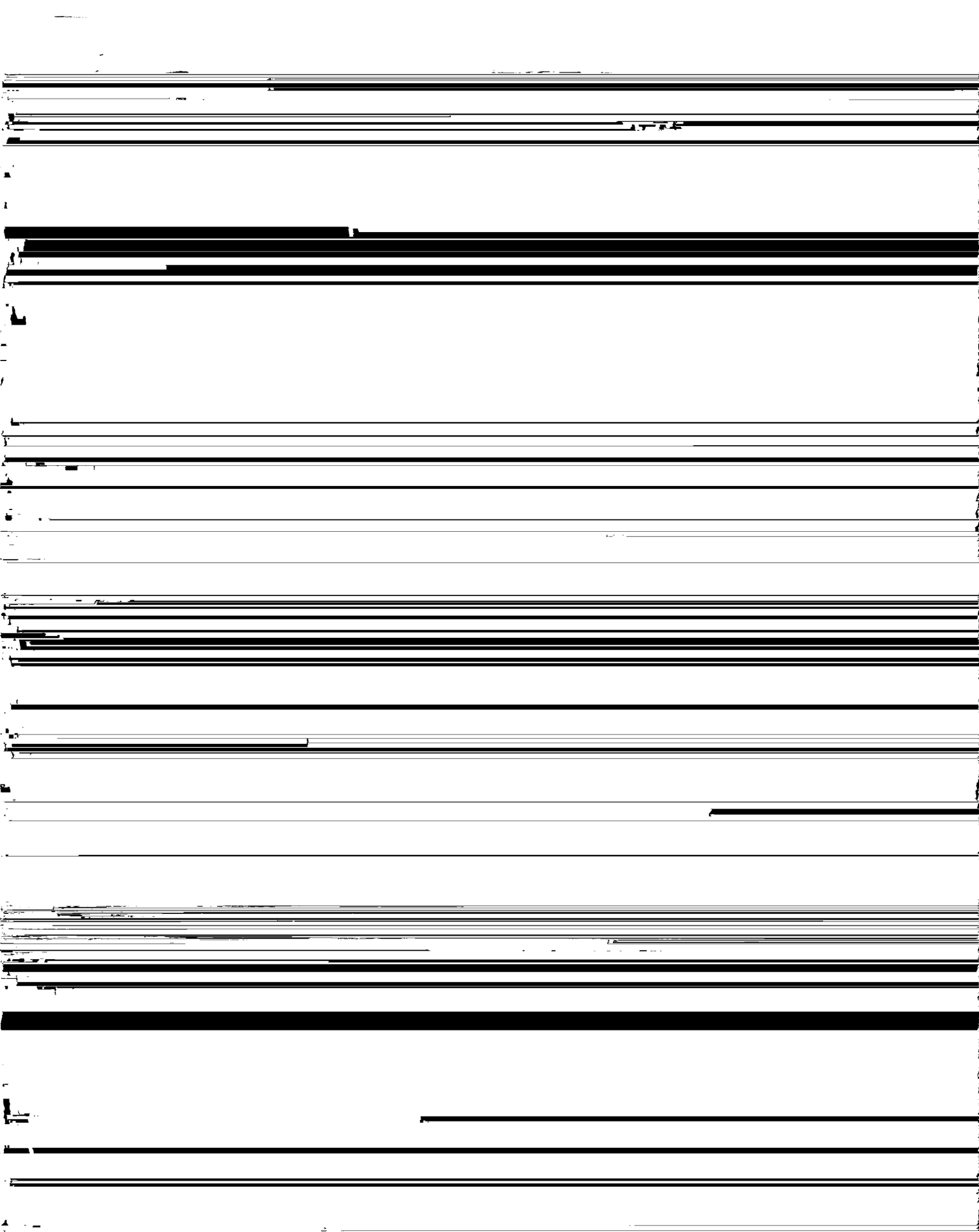
NATIONAL REGISTER OF HISTORIC PLACES INVENTORY -- NOMINATION FORM

Chrysler Building

Perhaps, in the futuristic days to come, many a story will be woven about these eagles. They may become as famous as the gargoyles of Notre Dame; they may have rude jokes and whispered innuendoes thrust in their tin ears, just as has happened many a time to the Luckless Lions of the Library!

Mr. William Van Alen, the architect of the Chrysler Building, first turned a lot of people against him by winning the Paris Prize of the Beaux-Arts Institute of Design, way back in 1908. He



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Chrysler Building

American Architect

Architecture and Building, Volume LXII, No. 8, August, 1930.

Architectural Forum, September 1930; October 1930

Robinson, Cervin, and Bletter, Rose Marie, Skyscraper Style, Oxford University Press, New York, 1975.

Vlack, Don, Art Deco Architecture in New York, Icon, Harper and Row, New York, 1974.

Certificate of Service

I, Claire Winn Marshall, a secretary with the law firm of Fleischman and Walsh, P.C., certify that on the 19th day of November, 1991, the foregoing "Petition To Deny" was sent via U.S. first-class mail, postage prepaid, to the following:

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